



BUILDING AND STANDARDS COMMISSION MINUTES

**REGULAR MEETING
Wednesday, January 22, 2014**

The Building and Standards Commission convened in a regular meeting on Wednesday, January 22, 2014 at City Hall, in the Boards and Commission Room, 301 West 2nd Street, Austin, Texas.

Madam Chair, Ethelynn Beebe called the Commission Meeting to order at 6:33 p.m.

Commission Members in Attendance:

Ethelynn Beebe, Chair; Tim Hill, Steven Alloway, Stacy Kaplowitz and Charles Cloutman

Staff in Attendance:

Carl Smart - Director; Daniel Cardenas - Asst. Director; Keith Leach – Asst. Director; Terri Roberts - Division Manager; Paul Tomasovic - Division Manager; Ron Potts - Division Manager; Todd Wilcox - Division Manager; Jerry Reynolds – Asst. Division Manager; Christopher Moore – Asst. Division Manager; John Christophe - Code Compliance Investigator; Steve Oswalt - Code Compliance Inspector; Edgar Hinojosa – Code Compliance Investigator; Matthew Noriega - Code Compliance Inspector; Chris Maldonado - Code Compliance Inspector; Kelvin Beene – Training Instructor; Merlinda Coleman – Program Specialist; Patricia Link, Assistant City Attorney; Candice Cooper – Public Information Director; Douglas Jansky – Code Review Analyst; Sonja Prevo – Code Review Analyst; Greg Guernsey – Director of Planning, Development and Review; Dan McNabb – Building Official for the City of Austin; and Ralph Castillo – Engineer for the City of Austin Fire Department.

1. PUBLIC HEARINGS

a. Returning Case

i. 1701 Toomey Road; Shambala Corporation

CL # 2012-069447

1701 Toomey Road is a commercial structure. Travis Central Appraisal District shows that the Shambala Corporation is the title owner. This case was represented by Stuart Hersh (representative); Greg Guernsey; Dan McNabb; and Ralph Castillo.

This case was brought back to the Commission after the Commission requested that staff bring back this case from June 2013. Discussion about existing violations and remedies; and the City removing the placard that was placed on the commercial building; but the Commission has no authority to give an order to remove the placard.

No change or modifications to the existing Order from September 2012 was made.

b. New Cases

i. 4911 Finley Drive; Glee Crocker

CL # 2013-104734

4911 Finley Drive is a single family structure. Travis Central Appraisal District shows that Glee Crocker is the title owner. This case was represented by Glee Crocker; Don Barker (potential buyer) and Carla Carbone (Vice President of the Allandale Neighborhood Association).

The City of Austin Code Compliance Department found that this property is in violation of the International Property Maintenance Code adopted by reference in Sections 25-12-211 through 25-12-213 Austin City Code and is therefore a public nuisance with substandard conditions.

Staff recommended the Commission adopt the Findings of Fact and Conclusions of Law identified at this property; place this case in abeyance until the next meeting, February 26, 2014 for an order if progress has not been made.

A motion to accept staff's recommended order was made by Commissioner Cloutman; Commissioner Alloway second; the motion passed on a 5-0-0 vote.

**ii. 1409 Newning Avenue; Kathryn Campbell
CL # 2014-000374**

1409 Newning Avenue is a single family structure. Travis Central Appraisal District shows that Kathryn Campbell is the title owner. This case was represented by Christina Campbell; Jeff Cassel (neighbor); Betty Brewer (neighbor); Gaylon Brewer (neighbor).

The City of Austin Code Compliance Department found that this property is in violation of the International Property Maintenance Code adopted by reference in Sections 25-12-211 through 25-12-213 Austin City Code and is therefore a public nuisance and with substandard conditions.

Staff recommended the following to the Commission: the Commission adopt the Findings of Fact and Conclusions of Law identified for this property; order any necessary permits be secured; order the exterior of the property to be fenced and secured; order the structure to be repaired with final inspections passed within thirty (30) days of the date the Order is mailed to the owner; order all repairs or modifications shall meet or exceed the requirements of all applicable codes; that the owner or owner's representative(s) shall request inspection(s) to verify compliance; and that after thirty (30) days, a penalty of \$500.00 per week shall be assessed until work is completed with final inspections passed.

A motion was made by Commissioner Kaplowitz to amend staff's recommended Order was adopted as follows: the Commission adopt the Findings of Fact and Conclusions of Law identified for this property; order any necessary permits be secured; order the exterior of the property to be fenced and secured within thirty (30) days the Order is mailed; order the structure to be repaired with final inspections passed within ninety (90) days of the date the Order is mailed to the owner; order all repairs or modifications shall meet or exceed the requirements of all applicable codes; that the owner or owner's representative(s) shall request inspection(s) to verify compliance; and that after ninety (90) days, a penalty of \$500.00 per week shall be assessed until work is completed with final inspections passed.

Commissioner Hill second; the motion passed with a 5-0-0 vote.

**iii. 1614 Waterloo Trail; Duwayne Ragland & Carolyn Ragland
CL # 2014-000370**

1409 Newning Avenue is a residential duplex structure. Travis Central Appraisal District shows that Duwayne Ragland & Carolyn Ragland are the title owners. This case was represented by Duwayne Ragland.

The City of Austin Code Compliance Department found that this property is in violation of the International Property Maintenance Code adopted by reference in Sections 25-12-211 through 25-12-213 Austin City Code and is therefore a public nuisance and with substandard conditions.

Staff recommended the following to the Commission: the Commission adopt the Findings of Fact and Conclusions of Law identified at this property; order any necessary permits be secured; order the structure to be repaired with final inspections passed within thirty (30) days of the date the Order is mailed to the owner; order all repairs or modifications shall meet or exceed the requirements of all applicable codes; that the owner or owner's representative(s) shall request

inspection(s) to verify compliance; and that after thirty (30) days, a penalty of \$500.00 per week shall be assessed until work is completed with final inspections passed.

A motion was made by Commissioner Cloutman to amend staff's recommended Order was adopted as follows: the Commission adopt the Findings of Fact and Conclusions of Law identified at this property; order any necessary permits be secured; order the structure to be repaired with final inspections passed within sixty (60) days of the date the Order is mailed to the owner; order all repairs or modifications shall meet or exceed the requirements of all applicable codes; that the owner or owner's representative(s) shall request inspection(s) to verify compliance; and that after sixty (60) days, a penalty of \$500.00 per week shall be assessed until work is completed with final inspections passed.

Commissioner Hill second; the motion passed with a 5-0-0 vote.

**iv. 6000 FM 969 (aka 6004 Webberville Road); Morning Star Projects, LLC
CL # 2014-001340**

6000 FM 969 (aka 6004 Webberville Road) is a commercial building. Travis Central Appraisal District shows that Morning Star Projects, LLC is the title owners. This case was represented by Phil Moncada (registered agent); Nina Bats (neighbor).

The City of Austin Code Compliance Department found that this property is in violation of the International Property Maintenance Code adopted by reference in Sections 25-12-211 through 25-12-213 Austin City Code and is therefore a public nuisance with substandard conditions.

Staff recommended the following to the Commission: the Commission adopt the Findings of Fact and Conclusions of Law identified at this property; order any necessary permits be secured; order for the commercial building located on the property be repaired with final inspections passed within thirty (30) days of the date the Order is mailed to the owner; order all repairs or modifications shall meet or exceed the requirements of all applicable codes; that the owner or owner's representative(s) shall request inspection(s) to verify compliance; and that after thirty (30) days, a penalty of \$1000.00 per week shall be assessed until work is completed with final inspections passed.

A motion was made by Commissioner Cloutman to amend staff's recommended Order was adopted as follows: the Commission adopt the Findings of Fact and Conclusions of Law identified at this property; order any necessary permits be secured; order the property to be fenced, secured and maintained; order the structure to be repaired with final inspections passed within sixty (60) days of the date the Order is mailed to the owner; order all repairs or modifications shall meet or exceed the requirements of all applicable codes; that the owner or owner's representative(s) shall request inspection(s) to verify compliance; and that after sixty (60) days, a penalty of \$1000.00 per week shall be assessed until work is completed with final inspections passed.

Commission Member Hill second; the motion passed with a 4-1-0 vote.

**v. 8000 State HY 71; CF Settlers Creek Association, LP
CL # 2014-000861, CL # 2014-000870, CL # 2014-000897, CL # 2014-000906, CL # 2014-000960,
CL # 2014-000964, CL # 2014-000968, CL # 2014-000977, CL # 2014-000982, and
CL # 2014-000988**

8000 State HY 71 is an apartment complex. Travis Central Appraisal District shows that CF Settlers Creek Association, LP is the title owners. This case was represented by Steve Oliver (representative) and Dwayne Stewart (regional property owner).

The City of Austin Code Compliance Department found that this property is in violation of the International Property Maintenance Code adopted by reference in Sections 25-12-211 through 25-12-213 Austin City Code and is therefore a public nuisance with substandard conditions.

Staff recommended the following to the Commission: the Commission adopt the Findings of Fact and Conclusions of Law identified at this property; order any necessary permits be secured; order

for the commercial building located on the property be repaired with final inspections passed within thirty (30) days of the date the Order is mailed to the owner; order all repairs or modifications shall meet or exceed the requirements of all applicable codes; that the owner or owner's representative(s) shall request inspection(s) to verify compliance; and that after thirty (30) days, a penalty of \$1000.00 per week shall be assessed until work is completed with final inspections passed.

A motion was made by Commissioner Cloutman to amend staff's recommended Order was adopted as follows: the Commission adopt the Findings of Fact and Conclusions of Law identified at this property; order any necessary permits be secured; order the property to be fenced, secured and maintained; order the structure to be repaired with final inspections passed within sixty (60) days of the date the Order is mailed to the owner; order all repairs or modifications shall meet or exceed the requirements of all applicable codes; that the owner or owner's representative(s) shall request inspection(s) to verify compliance; and that after sixty (60) days, a penalty of \$1000.00 per day per building shall be assessed until work is completed with final inspections passed. Staff is to give an update at the next hearing.

Commission Member Hill second; the motion passed with a 5-0-0 vote.

A motion was made by Commissioner Hill to extend the meeting beyond 10 pm but not beyond 10:30 pm. Commission Cloutman second; the motion passed with a 5-0 vote.

2. STAFF BRIEFINGS

- a. Commission By-Laws and Commission Rules and Regulations and possible future changes.
- b. Recommendation to City Council concerning the creation of a panel system.
 - i. Commission's response to City Council: Motion made by Commissioner Hill not have a 2-panel system and with the understanding that the Commission's workload will grow; the Commission request time (6 months) to evaluate a 2-panel Building and Standards Commission. Commission Member Cloutman second; the motion passed with a 5-0-0 vote.

3. FUTURE AGENDA ITEMS

Presentation by staff regarding conflicting by-laws, rules and regulations.

4. APPROVAL OF MINUTES

- a. The minutes for July's Special Called Meeting, August's BSC Retreat, September and December's regular meetings were approved on Commissioner Hill's motion. Commissioner Alloway second; the motion passed on a 5-0-0 vote.

5. ADJOURNMENT

Madam Chair Beebe adjourned the commission hearing at 10:25 p.m. without objection.